

REMARKS

In response to the outstanding Office Action dated June 11, 2008, Applicants have carefully studied the references cited by the Examiner and the Examiner's comments relative thereto.

The specification has been amended to more clearly define Applicant's invention and distinguish the same from the prior art.

Claims 18, 21, and 25 have been amended for clarity.

Claims 11, 12, 15-18, and 20-25 remain in the application for consideration by the Examiner.

Claims 13, 14 and 19 have been cancelled.

No new matter has been added.

Reconsideration of the application is respectfully requested.

Paragraph 0025 of the specification has been amended to clarify the location of the side rails 68 and the ingress/egress bars 70. The side rails 68 are adjustably connected to the side pull out extension 38 adjacent the backrest section 20. The ingress/egress bars 70 are pivotally mounted to the side pull out extension 38 adjacent the foot section 26. FIG. 4 support this amendment by showing both the side rail 68 and the ingress/egress bar 70 linearly displaced from their respective mounting locations in the side pull out extension 38. Further, the mounting locations of the side rail 68 and the ingress/egress bar 70 must be located on the side pull out extension 38 and not the main frame 12. As illustrated in FIGS. 1-3, the mounting locations of the side rail 68 and the ingress/egress bar 70 on the main frame 12 would render the side pull out extension 38 useless. Accordingly, FIGS. 1-4 support the amendment to the specification.

Paragraph 0029 of the specification has been amended to clarify the function of the end pull out extension 44. The end pull out extension 44 facilitates a lengthening and a shortening of the bariatric patient management system 10 and not a lengthening and a shortening of the mattress supporting surface 27. FIGS. 2 and 4 support this amendment by showing the end pull out extensions 44 move the footboard 16 to change a length of the bariatric patient management system 10 and not the foot section 26 or the foot panel 36.

The Examiner rejected Claims 15-18 under 35 U.S.C. §103 as being obvious over Swatt (U.S. Pat. No. 3,644,946) in view of Adams (U.S. Pat. No. 6,357,065). Claim 18 as amended, recites (emphasis added):

“18. A bariatric patient management system comprising:
a main frame having a first end and a second end;
a backrest section disposed on said main frame adjacent the first end, said backrest section including at least one backrest panel, a backrest side pull out extension slidably disposed in a side of the backrest section, and a backrest actuator linked to said backrest section to selectively cause an inclination of said backrest panel;
a middle section disposed on said main frame adjacent said backrest section, said middle section including at least one middle panel and a middle side pull out extension slidably disposed in a side of the middle section;
a leg section disposed on said main frame adjacent said middle section, said leg section including at least one leg panel, a leg side pull out extension slidably disposed in a side of the leg section, and a leg actuator linked to said leg section to selectively cause an inclination of said leg panel;
a foot section disposed on said main frame adjacent the leg section and the second end of said main frame, said foot section including at least one foot panel, a foot side pull out extension slidably disposed in a side of the foot section, and a foot actuator linked to said foot section to selectively cause an inclination of said foot panel relative said frame;
ground engaging wheels disposed on said main frame to facilitate a transporting of the bariatric patient management system;
an **extensible end pull out extension** slidably disposed in one of the first end and the second end of said main frame;
a **side rail** adjustably connected to the backrest side pull out extension, said **side rail** having a plurality of positions; and
an **ingress/egress bar** adjustably connected to the foot side pull out extension, said ingress/egress bar pivotably mounted to the foot side pull out extension,
wherein the backrest panel, the middle panel, the leg panel, and the foot panel cooperate to form a mattress supporting surface, and said backrest side pull out extension, said middle side pull out extension, said leg side pull out extension, and said foot side pull out extension cooperate to selectively increase a width of the mattress supporting surface”

Swatt and Adams fail to disclose, teach, or remotely suggest a **side rail** adjustably connected to the backrest side pull out extension, and an **ingress/egress bar** adjustably connected to the foot side pull out extension. The **side rail** and the **ingress/egress bar** adjustably connected to the side pull out extension is advantageous as providing use of the **side rail** and the **ingress/egress bar** while the bariatric patient management system is configured in one of a plurality of positions. Thus, it is submitted that Claim 18 is not obvious under 35 U.S.C. §103(a) and is patentable.

The Examiner rejected Claims 14 and 19 under 35 U.S.C. §103 as being obvious over Swatt (U.S. Pat. No. 3,644,946) in view of Adams (U.S. Pat. No. 6,357,065) and in further view of Allen et al. (U.S. Pub. No. 2001/0001163). Claims 14 and 19 have been

incorporated into Claims 18 and 25 to distinctly define the Applicant's invention and distinguish the same from prior art. The Examiner stated:

"It would have been obvious to one of ordinary skill in the art at the time of the invention to provide an extensible end pull out extension to the modified Swatt reference in view of the teachings of the Allen et al. reference in order to allow the bed to fit into smaller elevators and to save space during storage of the bed"

Allen et al. fails to disclose, teach, or remotely suggest an **extensible end pull out extension** slidably disposed in one of the first end and the second end of the **main frame** wherein the end pull out extension facilitates a lengthening and shortening of the bariatric patient management system. Allen et al. merely teaches an adjustable length deck comprising a first section 52 and a second section 54 connected by telescopic guides 60, 64, 66. The telescopic guides of Allen et al. are slidably disposed in a section of the adjustable length deck 52, 54 and not the frame 18 of the bed. The **extensible end pull out extensions** 44 of the Applicant's invention **disposed in the main frame 12** and not a deck section are advantageous because the footboard 16 remains stationary with respect to the **main frame 12** regardless of the position of the deck sections and to facilitate easy access from the foot end of the bariatric patient management system 10 when in a chair position and the footboard 16 is removed.

The Applicant's invention does not teach an adjustable length deck but an adjustable width of the mattress supporting surface 27 and an adjustable length of the bariatric patient management system 10. As shown in FIG. 4, the extensible end pull out extensions 44 adjust a length of the bariatric patient management system 10, and not a length of the mattress supporting surface 27. Further, the footboard 16 and the extensible end pull out extensions 44 of the Applicant's invention do not move in a common plane with the mattress supporting surface 27. The mattress supporting surface may be positioned in a plurality of planes as movement of the mattress supporting surface 27 is wholly independent of movement of the footboard 16 and the extensible end pull out extensions 44. Thus, it is submitted that Claim 18 is not obvious under 35 U.S.C. §103(a) and is patentable.

As discussed above, Claim 18 is patentable over the modified Swatt reference. Therefore, Claims 11, 12, 15-17 and 20-24 which depend from Claim 18 are patentable over the modified Swatt reference. Accordingly, withdrawal of the rejection of Claims 11, 12, 15-17 and 20-24 under 35 U.S.C. §103(a) is respectfully requested.

The Examiner rejected Claims 11, 12, and 21 under 35 U.S.C. §103 as being obvious over Swatt (U.S. Pat. No. 3,644,946) in view of Adams (U.S. Pat. No. 6,357,065) and in further view of Spath et al. (U.S. Pat. No. 4,847,930). Spath et al. fails to disclose, teach, or remotely suggest a **two-point mounting configuration** and a **pair of fixed outwardly extending arms** for the trapeze base frame 50. Spath et al. merely teaches a raising device 29 releasably connected to a headboard 27 by means of an upper suspension fixture 33 and a guide plate 31. FIG 3. illustrates the aligned pins 23 on the upper suspension fixture 33 and FIG. 2 illustrates the guide tube 6 which is disposed in the guide plate 31. Accordingly, Spath et al. discloses a three-point mounting configuration, not a **two-point mounting configuration**. Further, Spath et al. merely teaches two aligned pins 23 connected to the upper suspension fixture 33 in a quick release fashion. The Applicant's invention teaches and shows in FIG. 5 a **pair of fixed outwardly extending arms**, not an upper suspension fixture releasably connected by two aligned pins to the raising device. Additionally, FIG. 5 illustrates the trapeze base frame 50 of Applicant's invention coupled to the main frame 12 of the bariatric patient management system 10. Spath et al. discloses the raising device 29 releasably connected to the headboard 27. The trapeze base frame 50 of Applicant's invention does not require the headboard to bear forces exerted by use of the trapeze base frame 50. The main frame 12 is better suited to handle forces that may be exerted by the trapeze base frame 50 as it designed to bear forces incurred by severely obese patients. Thus, it is submitted that Claim 11, 12, and 21 are not obvious under 35 U.S.C. §103(a) and are patentable.

The Examiner rejected Claim 25 under 35 U.S.C. §103 as being obvious over Swatt in view of Adams and in further view of Spath et al. and Bartlett et al. (U.S. Pub. No. 2002/0138905). Swatt and Adams fail to disclose, teach, or remotely suggest a **side rail** adjustably connected to the backrest side pull out extension, and an **ingress/egress bar** adjustably connected to the foot side pull out extension. Further, Spath et al. fails to disclose, teach, or remotely suggest a **two-point mounting configuration** and a **pair of fixed outwardly extending arms** for the trapeze base frame 50. Thus, it is submitted that Claim 25 is not obvious under 35 U.S.C. §103(a) and is patentable.

It is submitted that the claims distinctly define the Applicants' invention and distinguish the same from the prior art. Entry of this reply is respectfully requested. Accordingly, a formal Notice of Allowance is solicited.

While the Applicants' attorney has made a sincere effort to properly define Applicants' invention and to distinguish the same from the prior art, should the Examiner deem that other language would be more appropriate, it is requested that a telephone interview be had with the Applicants' attorney in a sincere effort to expedite the prosecution of the application.